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PTO/SB/21 (09-04)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

7

Application Number	09/248,158
Filing Date	February 9, 1999
First Named Inventor	Zhengyu YUAN
Art Unit	1639
Examiner Name	B. Celsa
Attorney Docket Number	342312000600

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Request for Withdraw as Attorney or Agent and Change of Correspondence Address (in triplicate) - 3 pages - Copy of Request to Transfer - 3 pages - Return Receipt Postcard
Remarks		

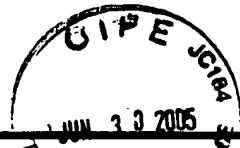
### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP (Customer No. 25226)		
Signature			
Printed name	Thomas E. Ciotti		
Date	June 27, 2005	Reg. No.	21,013

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 27, 2005

  
(Lindsay Seydel)



**Seydel, Lindsay D.**

**From:** Leung, Mei Y.  
**Sent:** Friday, June 24, 2005 2:06 PM  
**To:** Seydel, Lindsay D.  
**Cc:** Jacobson, Jill A  
**Subject:** FW: Fwd: US patent application no. 09/248,158 (our ref. 34231-20006.00)

Hi Lindsey, here's a transfer out for ya!!

Let me know if you have any questions.

--Mei :o)

-----Original Message-----

**From:** Jacobson, Jill A  
**Sent:** June 24, 2005 11:50 AM  
**To:** Leung, Mei Y.  
**Subject:** FW: Fwd: US patent application no. 09/248,158 (our ref. 34231-20006.00)

Mei,

I need to transfer a Vicuron file out. Who is doing file transfers now?

Thanks,  
Jill

-----Original Message-----

**From:** Zhengyu Yuan [mailto:zyuan@vicuron.com]  
**Sent:** Friday, June 24, 2005 11:47 AM  
**To:** Jacobson, Jill A  
**Cc:** mgordeev@vicuron.com  
**Subject:** Re: Fwd: US patent application no. 09/248,158 (our ref. 34231-20006.00)

Jill: I think there is no need for now, but pls transfer the original file to me at the following address:

Zhengyu Yuan, Ph.D.  
Vicuron Pharmaceuticals  
34790 Ardentech Court  
Fremont, CA 94555  
(510)739-3026

Thanks.

Zhengyu

"Jacobson, Jill A" <JAJacobson@mofo.com> writes:

>Zhengyu,  
>Thank you for the information. We actually sent a copy of the file to  
>Novartis so that they could respond to an Office Action, but we  
>retained the original file, and do not have a copy of formal  
>instructions to transfer the case. We will officially close our file  
>on the case. If you would like us to transfer out our original file to  
>Novartis, please let me know.  
>

>Best regards,  
>Jill  
>

>-----Original Message-----

>**From:** Zhengyu Yuan [mailto:zyuan@vicuron.com]  
>**Sent:** Friday, June 24, 2005 11:31 AM

>To: mgordeev@vicuron.com  
>Cc: Jacobson, Jill A  
>Subject: Re: Fwd: US patent application no. 09/248,158 (our ref.  
>34231-20006.00)  
>  
>  
>Mike and Jill:  
>  
>We did formally transfer the case to Novartis. There was a formal  
>instruction from Vicuron (or Versicor at that time) and MoFo actually  
>copied and transferred all files to Novartis. My understand is that  
>MoFo has closed the case already.  
>  
>Let me know if you need any additional information.  
>  
>Regards,  
>  
>Zhengyu  
>  
>Mike Gordeev writes:  
>>Zhengyu,  
>>  
>>I understand that this is entirely Novartis affairs, and no MoFo  
>>involvement is warranted? Perhaps you can communicate to Novartis.  
>>  
>>Mike  
>>  
>>—  
>>  
>>U.S. Patent Application Serial No. 09/248,158  
>>  
>>For: DIRECT ADSORPTION SCINTILLATION ASSAY FOR MEASURING ENZYME  
>>ACTIVITY AND ASSAYING BIOCHEMICAL PROCESSES  
>>By: Zhengyu YUAN et al.  
>>Our Reference: 34231-20006.00  
>>  
>>  
>>  
>>  
>>Hi Mike,  
>>I am trying to clear up a loose end in one of our files. The above  
>case  
>>appears to have been prosecuted by Novartis for the past couple of  
>years,  
>>and according to the PTO database, the issue fee was recently paid.  
>>However, we never received formal instructions to transfer the file to  
>>Novartis. It appears that Novartis filed a change of correspondence  
>>address without notifying us, and therefore, we have maintained the  
>case  
>>in our docketing system. Could you please confirm for me that  
>>Novartis has accepted responsibility for this case and that we are no  
>>longer responsible?  
>>  
>>Thanks,  
>>Jill  
>>  
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